

Fullerton & Knowles, P.C.  
 12642 Chapel Road  
 Clifton, VA 20124

Invoice submitted to:  
 Betco Supreme, Inc., an Oldcastle company  
 1913 Atlantic Avenue  
 Manasquan, NJ 08738

October 11, 2012

In Reference To: Betco Supreme, Inc. v. Pompano Masonry Corporation

Professional Services

	<u>Amount</u>
7/18/2011 Review and respond to email from client as to new claim on Ft. Myers project.	\$35.00 0.10
7/21/2011 Review documents received from client. Look up Fort Myers project and corporate information online and work on project demand letter and send by certified mail to owner, GC and debtor.	\$350.00 1.00
7/29/2011 Review email from client as to Magic Center project and respond to client.	\$70.00 0.20
8/1/2011 Review documents received from client and work on demand letter to Pompano on Florida project.	\$70.00 0.20
8/9/2011 Review and respond to email from client as to response from Pompano on either Ft. Myer or Orlando projects. Discuss filing 2 separate suits and request documents on Orlando project.	\$105.00 0.30
8/10/2011 Review documents received from client on Florida project. Look up information on Trenwyth and Pompano. Work on complaint and affidavit and email draft documents to client for review and signature.	\$350.00 1.00
8/12/2011 Review email regarding signed affidavits from client on Trenwyth suit.	\$35.00 0.10
8/16/2011 Review and respond to various emails regarding lawsuit strategy and whether there was any response to bond claim. Request original affidavit for filing suit.	\$105.00 0.30
8/29/2011 Review response from the Army as to the FOIA request and need contract number. Email client regarding the same.	\$70.00 0.20

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	<u>Amount</u>
9/2/2011 Finalize complaint on Trenwyth, organize exhibits, draft cover sheet and send to court for filing and service. Conference with several contracting division personnel at Ft. Worth District for project information to comply with FOIA officer's request. Email project management branch manager for same.	\$595.00 1.70
9/8/2011 Review and respond to email from client as to status of case.	\$35.00 0.10
9/9/2011 Email client regarding Trenwyth complaint filed on the Orlando magic center.	\$35.00 0.10
9/14/2011 Conference with Ft. Worth District contracting officer regarding Ft. Myers project.	\$35.00 0.10
9/15/2011 Review confirmation of case filing on Trenwyth claim against Pompano received from court.	\$35.00 0.10
9/22/2011 Review online system to check on service of Trenwyth complaint. Review and respond to email from client as to Ft. Myer claim.	\$70.00 0.20
10/3/2011 Review email from client regarding Pompano. Draft affidavit for filing suit and send the same to client for review and signature.	\$105.00 0.30
10/4/2011 Review and respond to email from client as to new material requested by Pompano and account opening requested by Suffolk.	\$70.00 0.20
10/7/2011 Review notice that Pompano received service of complaint on the Magic Center project on 9/26 and note that answer is due on 10/17 in case file.	\$70.00 0.20
10/26/2011 Draft and prepare motion for default judgment and notice and praecipe for hearing on motion and arrange for filing with the court.	\$250.00 0.50
Email client regarding hearing date and motion for default judgment.	\$35.00 0.10
11/17/2011 Review file in preparation for motions day. Draft attorney fee affidavit. Court appearance in the Circuit Court for Prince William County and obtain judgment against Pompano on the Orlando Magic claim complaint.	\$455.00 1.30
11/21/2011 Email client regarding judgment obtained against Pompano on Orlando Magic project and discuss enforcement after expiration of appeals period. Review email and order entered by the court and email the same to client. Email client for recent check information.	\$140.00 0.40
11/28/2011 Review email and check from client for garnishment of bank account.	\$70.00 0.20
1/4/2012 Work on garnishment against Wachovia account for Orlando project judgment. Review and respond to email from client regarding status of Orlando and Ft. Myers claims.	\$175.00 0.50
1/6/2012 Email client regarding garnishment on Wachovia.	\$35.00 0.10

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	<u>Amount</u>
1/26/2012 Conference with clerk as to service of garnishment summons.	\$35.00 0.10
1/30/2012 Draft letter and send garnishment summons to Secretary of Commonwealth for service on Pompano.	\$70.00 0.20
2/2/2012 Review file documents, etc. in preparation for proceeding with federal lawsuit.	\$120.00 0.40
2/3/2012 Review Wells Fargo's answer to garnishment summons stating account has been closed. Email answer to client and discuss course of action. Review email from client as to garnishment of accounts receivable from another project and respond to same. Review information received from client for garnishing project funds.	\$105.00 0.30
Review file documents and jurisdictional statutes. Draft and prepare lawsuit to file payment bond claim in federal court, prepare exhibits, prepare financial interest disclosure, communicate with client regarding financial disclosure information needed, prepared cover sheet, summons, and discovery to Suffolk Construction. Filed lawsuit and discovery.	\$1,860.00 6.20
2/9/2012 Prepare and file Garnishment against Oak Contracting for monies due on school project.	\$150.00 0.30
2/13/2012 Review lawsuit on bond claim, prepared email to client and forwarded copy of lawsuit to same.	\$60.00 0.20
2/17/2012 Review certificate of compliance received from secretary of commonwealth of service of garnishment on Pompano on Oak Contracting garnishment.	\$35.00 0.10
2/22/2012 Draft and send praecipe to dismiss garnishment against Wachovia account on Orlando Magic project case Pompano.	\$70.00 0.20
Review summons received from court for bond lawsuit, prepared subpoena duces tecum, prepared correspondence to private process server and enclosed documents for service on Suffolk Construction. Review electronic document filings from court.	\$240.00 0.80
3/1/2012 Review and respond to email from client as to status of response by Oak Contracting on its garnishment.	\$70.00 0.20
3/9/2012 Review return of service affidavit from process server regarding lawsuit and subpoena served on Suffolk Construction. Prepared the same for filing with the court, prepared cover letter to court and forwarded affidavit for filing. Sent email to client regarding status update on service.	\$180.00 0.60
3/15/2012 Telephone conference with opposing counsel for Suffolk Construction regarding bond lawsuit. He says Suffolk is holding \$70-\$75K on Pompano. Drafted email to client regarding Suffolk offer to pay monies to Betco and desire to preserve relationship between the parties, etc. Review discovery deadlines and local rules regarding same.	\$360.00 1.20
Conference with Oak Contracting's counsel regarding garnishment.	\$35.00 0.10

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	<u>Amount</u>
3/16/2012 Review and respond to correspondence from opposing counsel for Suffolk Construction regarding responsive pleadings to be filed in this matter, bringing Pompano in as a 3rd party, etc. Review return of service showing service on Suffolk Construction.	\$60.00 0.20
3/19/2012 Return Oak Contracting's counsel's call. Conference with counsel as to jurisdiction issue as Oak Contracting does not work in VA but in MD only. Consider domestication of judgment into Maryland and garnishment in Maryland. Email client regarding the same. Review response from client to enforce in Maryland.	\$140.00 0.40
3/20/2012 Draft dismissal order for Oak Contracting Garnishment	\$30.00 0.30
Draft triple seal request of judgment and send to court	\$10.00 0.10
3/21/2012 Work on garnishment dismissal order against Oak and send to court and email the same to opposing counsel.	\$70.00 0.20
3/22/2012 Research regarding case law to possible Miller Act defenses.	\$1,400.00 14.00
Review and respond to email from opposing counsel for Suffolk with copy of responsive pleading to lawsuit, discuss respective claims and likelihood of resolution. Review Suffolk Answer.	\$150.00 0.50
4/2/2012 Research regarding case law and statutes for defenses to the Miller Act. Compose a memo	\$500.00 5.00
4/10/2012 Review correspondence from opposing counsel in bond case regarding scheduling conference for discovery discussions, provided available dates and times for same. Review rules regarding deadlines for disclosures, scheduling conference, etc. Review court records to determine if conference has been ordered yet by court, nothing found.	\$330.00 1.10
4/11/2012 Review and respond to email from Oak Contracting's counsel regarding status of garnishment dismissal order. Send dismissal order to same.	\$70.00 0.20
4/23/2012 Review status of case as to payment bond	\$70.00 0.20
4/24/2012 Draft and prepare email to opposing counsel regarding disclosures conference still needed. please provide availability. Sent email to client Review discovery requirements and rules.	\$180.00 0.60
4/25/2012 Review client email Sent email to client Review email from opposing counsel regarding next week to schedule phone conference, provided available dates to opposing counsel regarding same.	\$330.00 1.10
4/26/2012 Review scheduling order received from federal court regarding upcoming conference dates, discovery deadlines, etc. Updated file with dates accordingly. Review email from opposing counsel and sent response to same regarding send copy of bond or will file immediate discovery request for same.	\$180.00 0.60

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	<u>Amount</u>
4/26/2012 Telephone conference with opposing counsel regarding possible resolution between the clients, settlement offer for \$80,000, rejection of same, copy of bond needed, etc. Telephone conference with Nancy I	\$180.00 0.60
4/27/2012 Draft/revise discovery request to Suffolk requesting documents, prepared same for filing and sent to opposing counsel Newland. Draft and prepare letter to Newland regarding enclosed discovery request, position on meeting with Suffolk, settlement position and disagreement with viable defense to our claim.	\$390.00 1.30
4/30/2012 Conference with client regarding garnishment of Oak Contracting in Maryland.	\$35.00 0.10
5/1/2012 Review email from opposing counsel for Suffolk regarding scheduling conference.	\$60.00 0.20
5/7/2012 Review triple seal received from court and finalize line to register Virginia judgment in Maryland and send to court for recordation.	\$350.00 0.50
5/8/2012 Draft and prepare discovery plan, forwarded same to opposing counsel for Suffolk Construction. Review email from opposing counsel Newland regarding summary judgment motion contemplated, sent response to Newland regarding summary judgment is not appropriate in this matter, they need to answer the discovery, etc.	\$330.00 1.10
5/9/2012 Review email from opposing counsel for Suffolk regarding summary judgment claim. Prepared for and participated in conference with opposing counsel regarding discovery plan, disclosures, settlement, etc.	\$450.00 1.50
Reviewed issues asserted by opposing counsel regarding their lack of liability on a Miller Act claim. Considered possible issues.	\$440.00 1.60
5/10/2012 Worked on Motion to Amend lawsuit, etc. Review and respond to email from opposing counsel regarding settlement, depositions, etc. Review case law and miller act statutes.	\$2,310.00 7.70
5/11/2012 Considered various issues applicable to discovery and the motion to amend.	\$165.00 0.60
Reviewed motion for leave to amend.	\$137.50 0.50
5/14/2012 Revise and file motion to amend complaint, sent copy to opposing counsel.	\$300.00 1.00
Review notice from federal court regarding assignment of motion to amend to Magistrate Judge. Sent notice of deposition to client & requested availability for proposed dates. Sent email to opposing counsel for Suffolk regarding deposition notice. Telephone conference with client regarding available dates for deposition. Review email received from Army Corps of Engineers in response to request for payment bond.	\$420.00 1.40
Review notice of foreign judgment recorded in Maryland. Consider issues regarding deposition, disclosures, settlement, motion to compel and motion to amend and strategy in moving forward.	\$105.00 0.30

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	<u>Amount</u>
5/18/2012 Review notice of foreign judgment received from Baltimore County Circuit Court and note information in file and send proof of mailing.	\$70.00 0.20
Review correspondence from Ft. Worth district regarding FOIA request for payment bond, need to assert that costs will be paid. Called FOIA officer, left message. Sent letter to FOIA officer regarding we will pay costs for bond.	\$90.00 0.30
Draft and prepare Rule 26 initial disclosures for Federal lawsuit. Sent disclosures to Nancy for review and comment.	\$270.00 0.90
5/21/2012 Review email from opposing counsel for Suffolk Construction regarding confirmation of deposition time and location on Wednesday. forwarded same to clients. Review undated information provided by client. Review shipping tickets received from client.	\$480.00 1.60
5/22/2012 Communicate (with client) Nancy and Ken. Finalized initial disclosures and prepared same for submission to opposing counsel for Suffolk Construction. Review various correspondence from opposing counsel.	\$270.00 0.90
5/23/2012 Attend depositions of Nancy Hayward and Ken Lampard at Suffolk Construction attorney office in D.C.	\$900.00 3.00
5/29/2012 Review notice from court regarding discovery plan filed, reviewed copy of discovery plan. Sent email to client.	\$90.00 0.30
Review email from court regarding removal of status hearing from court docket tomorrow. Sent email to client regarding same.	\$30.00 0.10
Telephone conference with Army Corps officer regarding copy of payment bond to be sent.	\$90.00 0.30
6/5/2012 Draft and prepare email to opposing counsel for Suffolk regarding response to motion to amend and position on settlement unchanging. Telephone conference with opposing counsel regarding claim that Betco is a 3rd party claimant. Sent documents to opposing counsel regarding credit agreement and email refuting their position. Sent email to client.	\$270.00 0.90
6/6/2012 Review and respond to opposing counsel regarding submission of agreed order. Review correspondence from court regarding judge will decide matter on the pleadings and enter an order, no need to appear for court.	\$90.00 0.30
6/12/2012 Draft and prepare amended complaint adding Pompano and sureties to bond lawsuit.	\$240.00 0.80
Review and comment on amended complaint.	\$70.00 0.20
6/13/2012 Revise and finalize amended complaint and exhibits for electronic filing with the court. Draft summons for service on each of the sureties and on Pompano.	\$600.00 2.00

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	<u>Amount</u>
6/18/2012 Review emails from court regarding filing of amended complaint. Review and organize file documents, prepare orders and pleadings to be served on new defendants (sureties and Pompano). Draft and prepare correspondence to clerk regarding summons and pleadings to be served on new defendants in federal action.	\$450.00 1.50
6/22/2012 Review summons received from court with pleadings to be served on sureties and Pompano. Sent email to opposing counsel for Suffolk regarding whether he will accept service on behalf of sureties. Telephone conference with and prepare correspondence to process server to serve pleadings on Pompano in Florida.	\$210.00 0.70
6/26/2012 Draft and prepare correspondence to process server, forwarded summons and pleadings for service on sureties.	\$60.00 0.20
7/9/2012 Review affidavits of service regarding pleadings served on sureties. Prepared correspondence to court and forwarded affidavits for filing with clerk. Review scheduling order and discovery plan. Contacted courier and arranged for delivery of discovery requests to opposing counsel for Suffolk. Sent discovery requests to opposing counsel via email also. Telephone conference with opposing counsel for Suffolk regarding response to amended lawsuit.	\$270.00 0.90
Draft and prepare Interrogatories and Requests for Admission to Suffolk Construction.	\$540.00 1.80
Review email from process server regarding unsuccessful service attempts on Pompano with federal lawsuit, provided authorization for attempt on registered agent.	\$30.00 0.10
7/12/2012 Review notifications from court regarding filing of service returns on each of sureties. Review correspondence from opposing counsel, Jim Newland, regarding he will file answers on behalf of sureties.	\$150.00 0.50
7/17/2012 Review email confirmation from process server regarding Pompano served with federal lawsuit and pleadings.	\$60.00 0.20
7/20/2012 Prepare and file Garnishment in Baltimore County on Oak Contracting on state court judgment obtained in Virginia and domesticated into Maryland.	\$150.00 0.30
7/23/2012 Email client regarding status of enforcement action on Pompano on Magic judgment and garnishment on Oak Contracting and send copy of garnishment writ sent to court.	\$70.00 0.20
7/24/2012 Review affidavit of service accomplished on Pompano, prepared cover letter to clerk and forwarded affidavit to clerk for filing.	\$60.00 0.20
7/26/2012 Review answer and financial disclosures filed by the sureties in the federal bond lawsuit. Sent email to opposing counsel for Suffolk requesting available deposition dates for corporate designees of Suffolk and the sureties. Sent copy of answer to client.	\$360.00 1.20
7/27/2012 Draft and prepare motion to amend discovery plan, forwarded copy to opposing counsel. Sent copy to client.	\$360.00 1.20
Review schedule for depositions.	\$35.00 0.10

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	<u>Amount</u>
8/8/2012 Review writ of garnishment issued by court and arrange for service on Oak Contracting by private process.	\$105.00 0.30
8/9/2012 Consider schedule for deposition.	\$70.00 0.20
8/10/2012 Review court filings regarding extension of discovery granted until August 31, but all other deadlines remain same. Draft and prepare correspondence to opposing counsel regarding need available deposition dates for Suffolk and sureties. Began work on Default Judgment against Pompano.	\$180.00 0.60
8/13/2012 Draft and prepare motion for default judgment against Pompano in federal bond action, prepared affidavit in support of motion for default judgment and attorneys fee affidavit for same. Sent affidavit to client for review and signature.	\$270.00 0.90
Research regarding FRCP and ED Virginia rules on extending discovery. Also, drafted a motion for default judgment.	\$430.00 4.30
8/15/2012 Draft and prepare email to opposing counsel for Suffolk regarding please provide deposition dates. Called opposing counsel to discuss same. Finalized default judgment motion affidavits against Pompano in the federal lawsuit. Telephone conference with Nancy.	\$480.00 1.60
8/16/2012 Court appearance with opposing counsel and judge for pretrial conference. Discussed settlement terms with opposing counsel, etc.	\$600.00 2.00
Finalized default motion and affidavits, filed the same with EDVA for default against Pompano. Sent copy of same to Pompano. Sent email to client regarding settlement reached with Suffolk and sureties.	\$240.00 0.80
8/20/2012 Draft and prepare hearing notice for default judgment against Pompano. Filed the notice electronically with the court. Review notice regarding Final Pretrial Conference order entered by court. Telephone conference with court regarding entry of default and filed notice of same.	\$360.00 1.20
8/28/2012 Review correspondence from court regarding upcoming default judgment hearing. Sent email to client regarding hearing date. Draft settlement agreement and sent to opposing counsel Newland for review.	\$300.00 1.00
9/4/2012 Draft and prepare affidavit from attorney regarding Pompano's default and filed same with court. Review opposing counsel revisions to settlement agreement, made same and sent to counsel for review.	\$360.00 1.20
9/5/2012 Telephone conference with judge's clerk regarding upcoming default hearing and request for additional information, sent memorandum to clerk in support of default judgment.	\$360.00 1.20
9/6/2012 Conference with Oak Contracting's counsel as to garnishment and dispute with surety as to whom the funds belong to.	\$70.00 0.20
9/10/2012 Research issue raised by garnishee's counsel regarding garnishment.	\$70.00 0.20



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	<u>Amount</u>
9/13/2012 Draft and prepare email to opposing counsel for Suffolk regarding status of settlement check and agreement.	\$60.00 0.20
9/14/2012 Court appearance in USEDVA for entry of default judgment against Pompano.	\$450.00 1.50
Review court entry regarding default judgment against Pompano under advisement and to be submitted to Judge Buchanan. Correspond with opposing counsel Newland regarding same, status of settlement documents and check. Sent email to client.	\$150.00 0.50
9/24/2012 Review email from opposing counsel, Newland, regarding settlement check received from Suffolk and signed settlement agreement needed, also discussed dismissal order needed. Sent settlement agreement to client for signature. Sent email to Newland with signed settlement from Betco.	\$150.00 0.50
9/27/2012 Review signed settlement agreements from Suffolk and sureties. Review notice from court of case settled. Contacted court to discuss clarification of settlement only to all defendants, except Pompano. Called judge's clerk to discuss status of default judgment against Pompano, not entered yet. Called and sent email to opposing counsel regarding dismissal needed, check, etc. Called Nancy to discuss settlement check. Sent check to Nancy via FedEx.	\$240.00 0.80
9/28/2012 Draft and prepare request for judgment to dismiss garnishment against Oak Contracting and send to court. Email client as to status of payment from surety and garnishment dismissal against Oak Contracting and discuss additional action if any.	\$175.00 0.50
10/1/2012 Telephone conference with Newland regarding dismissal to be filed. Review copy of dismissal filed electronically with the court and email from court regarding same.	\$90.00 0.30
Review response from client as to Magic Center judgment enforcement actions. Email client regarding the same and organize documents in file.	\$175.00 0.50
10/2/2012 Review notification from USEDVA regarding filing of dismissal stipulation.	\$90.00 0.30
10/3/2012 Review notices from USEDVA regarding entry of appearance by sureties counsel and entry of stipulation of dismissal signed by Judge O'Grady as to the bond parties and claim.	\$90.00 0.30
10/11/2012 Telephone conference with Judge Buchanan's clerk regarding default judgment and attorneys bill needed for same.	\$120.00 0.40
	<u>Hours</u>
For professional services rendered	105.70 \$28,032.50
Additional Charges :	
7/22/2011 Certified mail	\$22.16
9/9/2011 Filing fees	\$126.00

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	<u>Amount</u>
9/9/2011 Filing fees	\$28.00
1/5/2012 Filing fees	\$71.50
1/30/2012 Filing fees	\$28.00
2/9/2012 Filing fees	\$56.00
Filing fees	\$47.50
2/10/2012 Filing fees	\$350.00
3/6/2012 Service on Defendant	\$11.00
3/21/2012 Filing fees	\$7.50
4/25/2012 Filing fees	\$8.00
5/7/2012 Filing fees	\$80.00
5/18/2012 Proof of Mailing	\$1.80
6/18/2012 Copying	\$27.40
7/15/2012 Delivery services/messengers	\$39.90
7/16/2012 Service on Defendant	\$120.00
7/17/2012 Service on Defendant	\$33.00
7/20/2012 Filing fees	\$25.00
8/21/2012 Service on Defendant	\$85.00
Certified mail	\$5.75
Total additional charges	<u>\$1,173.51</u>
For professional services rendered	<u>105.70</u> <u>\$29,206.01</u>